

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Sean S. Shallow

11 CIV. 6028

JURY TRIAL ONLY

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

COMPLAINT
FOR EMPLOYMENT
DISCRIMINATION

72nd Street Medical Associates Richard F. Scofield MD

Jury Trial: ☒ Yes ☐ No

(check one)

Camille Frederick & Sterlin Johnson

Enzo Clinical labs Elazar Rabbani CEO, Chato Luna & Robin Pratt

(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the space
provided, please write "see attached" in the space above and
attach an additional sheet of paper with the full list of names.
Typically, the company or organization named in your charge
to the Equal Employment Opportunity Commission should be
named as a defendant. Addresses should not be included here.)

This action is brought for discrimination in employment pursuant to: (check only those that apply)

X

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634.

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117.

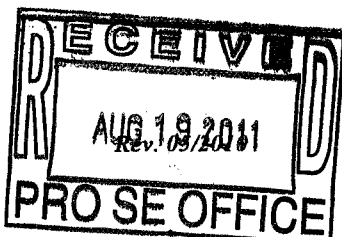
NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

X

New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

X

New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131 (actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status).



I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Sean S. Shallow
 Street Address 608 South Park Street
 County, City Union County, Elizabeth
 State & Zip Code NJ, 07208
 Telephone Number (718) 974-0397

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant	Name <u>Richard Scofield Sterlin Johnson Camille Frederick Elazar Rabbani Chato Luna Robin Pratt</u>		
	Street Address <u>310 E 72nd Street</u>	<u>157 E 81st Street</u>	<u>60 Executive Boulevard</u>
	County, City <u>New York</u>	<u>New York</u>	<u>Farmingdale</u>
	State & Zip Code <u>NY 10021</u>	<u>NY 10028</u>	<u>NY 11735</u>
	Telephone Number <u>(212)734-7077</u>	<u>(212)472-7863</u>	<u>(631)755-5500</u>

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer	<u>72nd Street Medical Associates</u>	<u>Enzo Clinical labs</u>
Street Address	<u>310 East 72nd Street</u>	<u>157 E 81st Street</u>
County, City	<u>New York</u>	<u>New York</u>
State & Zip Code	<u>NY, 10021</u>	<u>NY, 10028</u>
Telephone Number	<u>(212)734-7077</u>	<u>(212)472-7863</u>

II. Statement of Claim:

State as briefly as possible the facts of your case, including relevant dates and events. Describe how you were discriminated against. If you are pursuing claims under other federal or state statutes, you should include facts to support those claims. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. The discriminatory conduct of which I complain in this action includes: *(check only those that apply)*

<input type="checkbox"/>	Failure to hire me.
<input checked="" type="checkbox"/>	Termination of my employment.
<input type="checkbox"/>	Failure to promote me.
<input type="checkbox"/>	Failure to accommodate my disability.
<input type="checkbox"/>	Unequal terms and conditions of my employment.

☒ Retaliation.

☒ Other acts (specify): Sexual Assault/Harassment Slander/Libel HIPPA Violation

Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

B. It is my best recollection that the alleged discriminatory acts occurred on: 01/2008-08-2011
Date(s)

C. I believe that defendant(s) (check one):

☒ is still committing these acts against me.

☐ is not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and explain):

- ☐ race _____ ☐ color _____
- ☐ gender/sex _____ ☐ religion _____
- ☐ national origin _____
- ☐ age. My date of birth is _____ (Give your date of birth only if you are asserting a claim of age discrimination.)
- ☒ disability or perceived disability, Perceived HIV & STD (specify)

E. The facts of my case are as follow (attach additional sheets as necessary):

SEE ATTACHED ADDITIONAL SHEETS

Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights or the New York City Commission on Human Rights.

III. Exhaustion of Federal Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding defendant's alleged discriminatory conduct on: 05/10/2011 (Date).

B. The Equal Employment Opportunity Commission (check one):

 X has not issued a Notice of Right to Sue letter.
 issued a Notice of Right to Sue letter, which I received on 06/27/2011 (Date).

Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

C. Only litigants alleging age discrimination must answer this Question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (check one):

 60 days or more have elapsed.
 less than 60 days have elapsed.

IV. Relief:

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs, as follows: _____

Stop all HIPPA violation, Stop all Slander/Libel, A written Apology, Money for lost wages \$145,000

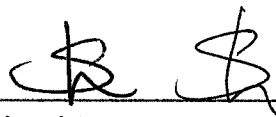
lost potential profit \$150,000 Pain and Suffering \$700,000

(Describe relief sought, including amount of damages, if any, and the basis for such relief.)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 16 day of August, 20 .

Signature of Plaintiff



Address

608 South Park Street

Elizabeth, NJ 07208

Telephone Number

(718) 974-0397

Fax Number (if you have one) _____

Sean Shallow
608 South Park Street
Elizabeth, NJ 07208
(718) 974-0397

Approximately March, 2007 I got hired by Dr Richard Scofield and 72nd Medical Associate to work as a phlebotomy in the Physician operated lab. When I got hired I was perceived as a homo sexual and the two X ray personnel Stated I don't know what's going on here and they both resign. Later on into my employment Dr Bowers office had the quest diagnostic driver come to my work area and in a sexual gesture touch my lower back top of my ass, I then turn to him while my co worker Sharon was watching and told him watch his fucking hands.

Approximately 6 months into my employment Dr Richard Scofield hired Mr. Sterlin Jackson, to be the supervisor of the Lab. Mr. Sterlin is a homo sexual black male, which is not a problem.

On numerous times Mr. Sterlin will come to my work station and say to me let me show you something on the computer and take his hand and cuff my hand over the mouse, I will pull my hand away he try this 4-5 times in several months, I would try to avoid passing close because of the constant excessive touching. Mr. Sterling even met me on Fulton Avenue in Brooklyn and started coming to my car, I jumping in and took off.

Approximately around January 2008 it came to light that I was having an affair with my married co-worker Camille Frederick and had broken it off. Around this time Camille Frederick became disgruntle and started calling my phone approximately 20 plus times harassing and threatening me telling me I'm a stupid nigger and she will get me back. I played the message for Michael the x ray tech, who told me I should have made her think she broke it off, she even started calling me gay because I ask her to have anal sex, when we were sleeping together. Camille and Mr. Sterling made the work environment uncomfortable to perform my duties.

Mr. Sterlin I guess felt it was his chance to go for it and while I was on the phone in the office past and grab / cuff / touch my penis, when my mouth drop and he saw my respond he kept walking in an expeditious manner.

I went up stairs to Dr Richard tScofield office and complained, he told me he didn't want to hear it and kick me out his office. After I complained Camille Frederick started to accuse me of having an STD, I then had to go to Dr Gil Weitzman for a physical examination; His examination concluded that I had no genital warts or sores on my penis.

I was then accused by Camille Frederick again this time she stated that I said that I had HIV. I then went to the department of health and got tested for HIV, RPR, GC/Chlamydia because it was free. It was all negative I submitted it to the job. I was then fired by Mr. Sterlin and Dr Richard Scofield upheld the decision for missing the garbage with a glove. I reported it to the labor department and won the hearing for UI. I also call the Office of Civil Rights but was told they couldn't help me.

I moved on with my life, in 2009 I got a job with Enzo lab, working approximately 9 blocks from 72nd medical associate, in the stat lab/ patient service center. A couple of weeks into the job one of the machine needed servicing so Chato Luna called for a repair tech to come out, the same person who repair the equipment at 72nd street medical associate came in to repair the equipment.

At this point in time the repair man told Chato Luna about 72nd Street Medical Associate and Sterlin Johnson the supervisor was contacted. He then told Chato Luna Debbie Esposito and Robin Pratt my supervisor about the Erroneous Information about my Medical history.

I then was ask by the specimen pick up driver Bowie if I was taking HIV medication, My weight was question because I started working out twice a day and eating healthy and taking fat burners to lose the weight about three months before I was hired. I had to give one of the fat burner tab and a pill that was prescribed to me by Dr Gil Weitzman for BPH flowmax, I even sat in the chair to allow Wanda Sanchez one of the client rep while Robin Pratt and Chato Luna were present to draw my blood for any thing they wanted she started to and then stop at the last minute but the discrimination continued. They then had patients who claim she was a doctor come into the PSC and told me that her sister had a rapid HIV test and it was negative but she then had another test done via blood and it was positive. I also had a male patient come into the patient service center for STD testing and told me about pimples on his penis and that's why he was getting tested for herpes, referring to my anatomy / penis. I was then discriminated against by the patients, they refused to give me there insurance card to check, the drivers and my co-worker Chato Luna who also took it one step further by saying because I cleared my throat / cough up the stuff from my throat after eating I had T B, any little mark or pimple on my skin and I was discriminated against. My HIPPA Rights were then violated instead of accepting my offer to be examined or tested. I called the OCR and complain, I also complained to my supervisor Robin Pratt I told her I was quitting, She called me the night and implored me not to quit. The next day she came to the Patient service center and fired me.

The OCR then got involved; I offered to be tested for every and any thing. The investigator Frank Musumici continued to questioned me and told me, that it was a good thing that they violated my HIPPA rights, he also ask me why I got tested. My answer was if I'm going through this now after being tested just imagine if I didn't get tested.

While I waited for the OCR to conclude the investigation I decided to move to Phoenix, AZ to obtain a job, build my small business, a clothing and music company. I moved to

the villages at metro, I listed Enzo Labs as my ex employer and unemployment in order to obtain an apartment. I also got a job at Aerotex temp agency they did a drug screen and TB test on me April 2010 which were negative.

I was then sent to Mayo hospital to start working. Two weeks into the job people started asking me about my HIPPA violation complain. A patients husband started asking me about my HIV status, he ask if one test was negative and one test was positive. A nurse was also talking about my T. B status with a patient, things like you could be negative then die and they will find it in your lungs. At this point in time I had also spoken to my mother and told her I got a razor bump in the area of my anus from man scaping ten minutes after I came off the phone with my mother, I received a call from Aerotex and was told not to go back to work and falsely accused of drinking on the job which was a huge lie.

At this time people at my apartment complex started asking me about my HIV status, I was then followed every where I go by the AZ police department and discriminated against every where I go, restaurant, laundry mat grocery stores and clubs. In July 2010 I went to the department of health and human services; I called Frank Musumici at the OCR and let him know I was going in to get tested. when I arrived and ask to be tested the lady that registered me said not that rapid test shit, so I insisted that my blood be drawn, two tubes of blood was taken, I submitted a urine sample, I was told to drop my pants by a physician assistant but didn't request a physical examination but was still examine for any sores or warts again she stated that I was clean and my penis was normal and it was my anatomy, A throat culture was even taken for GC/Chlamydia, it all was negative.

I then wrote Senator Kristen Gillibrand and Senator Chuck Schumer, the AAG Thomas E. Perez and Michael Carter. On August 28th, 2010 received a letter dated June 4th, 2010 from Frank Musumici stating that he will accept my case then August 31st 2010 I received another letter stating the case was closed, mean while I was under investigation my phone and computer was taped my car was lo jacked and set to a 20 minute timer or one exit from my apartment it will start to over heat, my apartment was bugged with recording devices. My food and drink was laced with some type of substance which gave me hyper adrenal syndrome (meaning I will be in flight and fright, always hyper my skin if brushed wouldn't heal because my body was deprived or couldn't produce red blood cells, I would also be prone to be angry all the time, any little thing will set me off, they wanted me to get in a fight any violent crime will get me deported it didn't work. I was then set up to be accused of child molestation because I said to a kid playing out side where are your friends why are you playing all alone. I was then accused of being a gang member. A drug dealer a counterfeiter, I would have to go to the bank sit wait for them to give me mark money every where I go they will come and pick the money up. I was not allow to date women if I try the parties that were task to watch me would not allow it but they constantly try to get guys to sleep with me.

My mother and sister was sent out to Phoenix after they attempted to get me to leave the country to go to Dominican Republic to get a spiritual cleaning so they can say that there wasn't any one watching me it was all Santaria / Black magic I didn't leave because I was on unemployment and know I couldn't go. So they came to get me to move back to NY. My mother and sister was given a check for twenty thousand dollars to pay me off under the table.

I was then given a job with Mollen Immunization clinic as a phlebotomist and the harassment and slander continued. I will have to use the bath room due to a PSA problem it was turned into an STD. Some time in October 2010 Nick the supervisor just came right out and said in front of over twenty people dude you are sick some thing is wrong with you is that violating your HIPPA. Another time in November 2010 a room full of people stated we will all say we all ready know that and who is saying they gave who the disease is he saying he gave it to her or she saying he gave it to her. Some time I October 2010 I was ask to be trained with Jill and she stated to me there are two stages and they will catch it in stage two. I had to walk around with my medical records and show it to people on a regular basis in order to have some peace of mind.

I decided I going to move back home but was not allow to drive my car out of AZ on November 20th 2010, I had three helicopter over my apartment to make sure I couldn't leave the state driving. I had to submit my car to be shipped with my house hold stuff and fly back to NYC and move in with my mother. I was then harass by my mother every day to take 9 thousand dollars she stated I would be able to leave and go any where I want. I didn't except the money. So the parties involve try to get my mother to argue with me on a daily basis in hopes they could place me into a mental hospital, in order to obtain a power of attorney and except the money and sign off on the deal.

I then went and get tested again in 12/14/2010 for HIV RPR GC/Chlamydia at the DOH all my test were negative. The DOH personnel who gave my results, told me in a way that it look like I was the one worried and causing the problem, I said to him I'm not the one started this. When that didn't work out and I refused to take an under the table payment, \$6000.00 was paid to me through unemployment, my mother and sister try to keep the other \$14,000 for a credit card bill they claim I have.

My civil liberties were being violated, I couldn't practice my religion or purchase supplies to practice my religion. I also tried going to Senator Chuck Schumer I was headed off down stairs and told by a young lady in the lobby, "that they didn't receive the mail I sent and that they couldn't and wouldn't help me". I try retain an attorney but the parties that were task to watch me made sure I couldn't. When I finally spoke to an attorney he was told to tell me to sue for the slander/libel only and not the sexual assault / harassment because they didn't want this part of the case to come to light. He also had his phone up so the parties involved could listen to what I was saying.

Again they try to pay me off and ask me to leave the country till the stature of limitation

expired, being scared for my safety and life, I left the country and went to Dominican Republic but was harass and slander there also I even had a young lady ask me if I had HIV or Herpes. I returned with in a week, they try to have the boarder and customs personnel give me a hard time and not let me into the country.

When I came back I moved to NJ but the discrimination, slander, violation of my HIPPA and violation of my civil liberties continued. So having enough I went to the NYPD 19 precinct on 5/3/2011 and made a complain, officer Wickert took my complain, a few day later I called the precinct I was told that they lost it and to come back and make the report again if I wanted to. When I arrived at the 19 precinct on 5/12/2011 a female cop was standing out side the precinct she stated she was a guard and questioned me, then try to turn me away and said I can call she try not to allow me to enter the 19 precinct. Officer Radziul try to get me to back date the time frame the incident accused so it would be under the stature of limitation. That didn't work they took the complain again and wrote it up as forcible touching but again they claim they lost it. I then call the DA office and they set up an appointment to come in on June 8th, 2011 I met with Edward J. Tacchi. He took my statement and I was told that they believe me but can't do any thing and I should go see a Psychologist or talk to some one about what happen.

Since then my car has been set to only go up to 50 miles per hr, it is also cut off in intersection while cars are coming. Cars have been planted at places where I turn to come home so they can take off and create an accident, cars have run stop sign and try to hit me. Again I'm in fear of my life my safety. The parties involve continue to put stuff in my food and drinks, violate my HIPPA, Slander my name and have people stringers who I never met discriminate against me. In hopes that I will accept a deal under the table for money and a car. Parties that are involved also try to simulate other version of my complain by touching or hitting a female on the leg close to her privates and saying sorry. They also accused me of using a scanner to change my results.

On August 15th, 2011 I try to obtain my medical records from a Dr Eric Rottenberg, the parties involve insist I go to a Urologist, they had a regular Internist refuse to see me. The front office person stated her name was Donna refused to give me my medical records, she then try to have me sign a medical release form to give any one and every access to my medical records, when that didn't work she try to get me to say it was ok to mail it, so the parties involved can obtain it that way. Donna refused to gave me my medical record period. I also try to obtain my files from Unemployment and OCR but after several tries I was never sent my files. I was unable to continue to build my clothing company I couldn't even give away my sample / promotional stuff. MY WEB SITE WAS HACKED AND SHUT DOWN.

I HAVE NEVER HAD A POSITIVE HIV TEST IN MY LIFE. MY RESULTS STILL CONTINUED TO BE QUESTIONED WITH MERIT.
I WAS EVEN ACCUSED OF TAKE MEDICAL TO CONCEL THE VIRUS IN MY BODY. I EVEN RECEIVED A FREE TEXT FROM ATT ON MY PHONE JULY 2011 STATING I HAD AN STD

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Sean Shallow**
603 South Park Street
Elizabeth, NJ 07208

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2011-02272

Amon L. Kinsey, Jr.,
Investigator

(212) 336-3680

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Kevin J. Berry

Kevin J. Berry,
District Director

6/15/2011

(Date Mailed)

Enclosures(s)

cc:

Director of Human Resources
72ND STREET MEDICAL ASSOCIATE
310 E. 72nd Street
New York, NY 10021

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Sean Shallow**
603 South Park Street
Elizabeth, NJ 07208

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2011-02269

Amon L. Kinsey, Jr.,
Investigator

(212) 336-3680

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Kevin J. Berry
Kevin J. Berry,
District Director

6/15/2011

(Date Mailed)

Enclosures(s)

CC: **Director of Human Resources**
ENZO CLINICAL LABS, INC.
60 Executive Boulevard
Farmingdale, NY 11735

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

New York District Office
33 Whitehall Street, 5th Fl
New York, NY 10004

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$100

\$ 01.20

MAILED FROM OFFICE 08/19/11

FIRST CLASS

Sean Shallow
608 South Park Street
Elizabeth, NJ 07208



New York City Police Department

Date: 5-12-11

Incident Information Slip

019 Precinct. 153 E. 67th Street New York, NY 10021

Phone: (212) 452-0600 / 01702

We hope that your business with us was handled satisfactorily. Your particular matter has been assigned the following number(s):

Complaint No: 01122678 () Accident No: _____ () Aided No: _____Reported to: PO Radziul 20/29 Date of occurrence: _____ Time: _____
(Rank) (Name) (Shield No.)Location of Occurrence: 308 E 72 StType of Incident/Crime: forcible grabbing ina

Please keep this report should you have to refer to this matter in the future. If you need any further assistance feel free to contact us at the telephone numbers listed above. Please let us know if you have any suggestions on how we can better serve you. As you may already know, we will provide you with a crime prevention survey of your residence or business. Please ask for more information on this and other crime prevention initiatives. Our goal is to make you and your property safe.

*COURTESY - PROFESSIONALISM - RESPECT***REMEMBER: CALL "911" FOR EMERGENCIES ONLY!**

See reverse side for additional details.

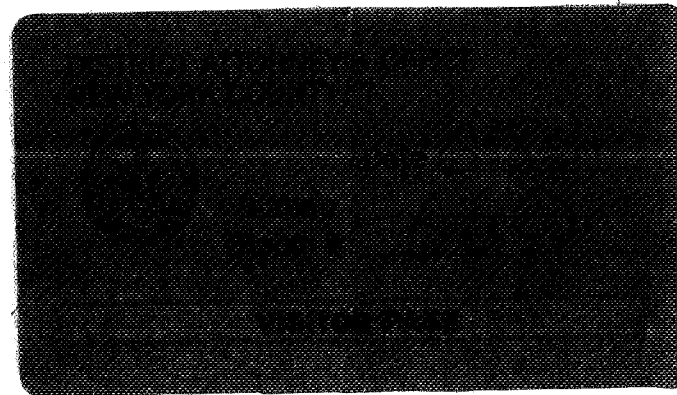


(212) 335-8905
Fax (212) 335-3609
tacchie@dany.nyc.gov

EDWARD J. TACCHI
Senior Investigator
Sex Crimes Unit

NEW YORK COUNTY
DISTRICT ATTORNEY'S OFFICE

One Hogan Place
New York, NY 10013



WINSTON STAFFING SERVICES

Mantoux Tuberculin Skin Test

NICOLAS ROSSETTI, F.N.P.

LICENSE # F332114

Name: Sean Shallow

Administered By:

Signature:

Date Administered: 04/07/08

Site: Left Forearm Dose: STU 0.1 cc Manufacturer: Aventis Pasteur Lot #: C2364AA

Date Read: 4/9/08

Read By:

NICOLAS ROSSETTI, F.N.P.

Induration Measurement: 0 mm

License #:

LICENSE # F332114

Erythema Measurement: 0 mm

Findings:

Significant ()

Non-Significant

Recommendations/Follow up:

THIS SECTION TO BE USED FOR TWO (2) STEP MANTOUX TUBERCULIN SKIN TEST.

NICOLAS ROSSETTI, F.N.P.

LICENSE # F332114

Date Administered: 4/15/08

Administered By:

Signature:

Site: Right Forearm Dose: STU 0.1 cc Manufacturer: Aventis Pasteur Lot #: C2364AA

Date Read: 4/17/08

Read By:

LICENSE # F332114

Induration Measurement: 0 mm

License #:

Erythema Measurement: 0 mm

Findings:

Significant ()

Non-Significant

Recommendations/Follow up:

3532 West Thomas Rd Phoenix, AZ 85019
Phone: (602) 272-7662 Fax: (602) 269-2417

TB Skin Test Consent and Results

Patient: Shallow, Sean
SSN: XXX-XX-7272
Address: 9652 N 31st Ave #62
PHOENIX, AZ 85051
Employer: AERO/M4/Aerotech

Gender: M
Date of Birth: 02/08/1974
Work Phone:
Home Phone: (718) 974-0397

I, Sean . Shallow, have had the opportunity to read, or have had explained to me, the importance of the tuberculosis skin test procedure. I have had the opportunity to ask questions about this test and to have these questions answered to my satisfaction. I understand that this test involves injecting a small amount of a diagnostic antigen just under the skin on the inside of my forearm and that a small bruise may appear.

Check all that apply:

☒ I do not NOW have any of the following symptoms:

- | | |
|--|---------------------|
| 1) a cough that has lasted three or more weeks | 4) weight loss |
| 2) bloody sputum | 5) loss of appetite |
| 3) night sweats | 6) fever |

☒ I have not had a prior "positive" TB skin test.

☒ I have never been treated for tuberculosis.

☐ I have received the BCG Vaccine

☒ I have had a TB skin test before, and to the best of my recall, I did not experience any ulceration or open weeping sores at the injection site.

☐ I am pregnant. I have communicated with my treating physician and we both agree to this test being given to me today.

☒ I agree to return to have this test read within the required time of 48 to 72 hours. I understand that "self-reading" of the test is not acceptable according to CDC's guidelines. I will return to have my test read by: 04/18/2010.

I hereby request and authorize the above medical center to provide a TB skin test today, and I agree to return for the test reading by the date indicated. Failure to do so may be a barrier to my job placement. All answers to these questions are true and correct.

Signature [Signature]

employee/applicant

Date 4/16/10

This Section for Center Use Only

Purified protein derivative (PPD): ☒ Tubersol or ☐ Aplisol Lot # 08267111 Exp. Date 1/17/12

Administered by Mantoux technique into: ☒ left forearm ☐ right forearm

Administered by: Rodolfo Alegre Date: 4/16/10 Time 1:23 am/pm

RESULTS: 0 millimeters of induration

(Using a ruler, measure induration, not redness. Follow CDC's Summary of Interpretation... in Table S-2, page 62 of Vol. 43/No.RR-13, October 28, 1994)

Comments: Negative

Read by: J Botello Date: 4/19/10 Time 8:32 am/pm

Read on 4/18/10 after 1:23 pm or
4/19/10 before 1:23 pm.



Fort Greene, STD Clinic
295 Flatbush Ave. Ext., 2nd Floor
Brooklyn, New York, 11201



202435-3
 Shallow, Sean
 DOB: 02/08/1974

Date of Visit: 12/14/2010
 Clinic: 008
 49 Crown Street, 18H
 Brooklyn, NY, 11225
 Male Non-Hispanic
 Black/Af. Am.

Date: 12/14/10

Date of Visit: _____

Date of Test	Test	Result	Treatment
	Gonorrhea	<input type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Inconclusive <input type="checkbox"/> Not tested <input type="checkbox"/> Pending	<input type="checkbox"/> Patient has been adequately treated in accordance with CDC guidelines. <input type="checkbox"/> Patient does not require treatment
	Chlamydia	<input type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Inconclusive <input type="checkbox"/> Not tested <input type="checkbox"/> Pending	<input type="checkbox"/> Patient has been adequately treated in accordance with CDC guidelines. <input type="checkbox"/> Patient does not require treatment
	Syphilis	<input type="checkbox"/> Sero-positive <input type="checkbox"/> Sero-negative <input type="checkbox"/> Sero-fast <input type="checkbox"/> Biological false-positive <input type="checkbox"/> Inconclusive <input type="checkbox"/> Not tested <input type="checkbox"/> Pending <i>*A sero-fast test result means that the test you had detected a previous infection. This does not require treatment. You are not infectious at this time.</i>	<input type="checkbox"/> Patient has completed treatment in accordance with CDC guidelines. <input type="checkbox"/> Previously treated infection; no longer infectious. Does not require additional treatment. <input type="checkbox"/> Patient does not require treatment
	Test	Result	
		HIV ID Number:	
	Acute HIV-1	<input type="checkbox"/> Detected <input type="checkbox"/> Not detected <input type="checkbox"/> Inconclusive <input type="checkbox"/> Not tested <input type="checkbox"/> Pending	
12/14/10	Rapid HIV-1/2 Antibody	<input type="checkbox"/> Reactive (preliminary positive) <input checked="" type="checkbox"/> Negative <input type="checkbox"/> Invalid <input type="checkbox"/> Not tested <input type="checkbox"/> Pending	
	EIA/Western Blot HIV Antibody	<input type="checkbox"/> Reactive (positive) <input type="checkbox"/> Negative <input type="checkbox"/> Inconclusive <input type="checkbox"/> Not tested <input type="checkbox"/> Pending	
	Other; please specify:		
	Other; please specify:		

Meaning of HIV Test Result:

A detected result on the Acute HIV-1 test means that HIV virus was found in your blood.

A not-detected result on the Acute HIV-1 test means that HIV virus was not found in your blood. This test will not detect HIV infection if you were exposed to HIV in the 10 days before your Acute HIV-1 test.

An inconclusive result on the Acute HIV-1 test means that your test result could not be determined.

A negative result on the HIV antibody test most likely means that you are not infected with HIV, but it may not show a recent infection. If you think you may have been exposed to HIV, you should take the test again 3 months after the last possible exposure. Individuals who are HIV-1 and/or HIV-2 infected and are currently receiving anti-viral medications to treat HIV infection - in particular highly active antiretroviral therapy (HAART) - may produce a negative result due to these medications while in fact they are HIV positive.

A reactive (preliminary positive) test result suggests that antibodies to HIV may be present in the blood. A specimen will have to be sent to a reference laboratory for further testing before confirming HIV infection.

A reactive (positive) test result from a Confirmatory HIV Antibody Test suggests that there is HIV antibody present in the blood.

An invalid test result can be due to a problem running the test or an interfering substance in the specimen. A blood specimen using other testing technology will be submitted to a reference laboratory for analysis. You will have to return to the clinic to receive your test results.

An inconclusive test result means that the HIV Antibody tests could not be interpreted, and HIV status cannot be determined from the sample provided. It is important to get a follow up test in 6 weeks.

Staff Signature: _____

Staff Title: _____

Any alterations to this document renders it invalid

DEPT OF HEALTH & MENTAL HYGIENE
 295 FLATBUSH AVENUE EXTENSION
 BROOKLYN, NEW YORK 11201



Fort Greene, STD Clinic
295 Flatbush Ave. Ext., 2nd Floor
Brooklyn, New York 11201

Date: 12/28/10

Name: Sean Shallow

Date of Birth: 02/08/74

Date of Visit: 12/14/10

Date of Test	Test	Result	Treatment
12/14/10	Gonorrhea	<input type="checkbox"/> Positive <input type="checkbox"/> Inconclusive <input type="checkbox"/> Pending <input checked="" type="checkbox"/> Negative <input type="checkbox"/> Not tested	<input type="checkbox"/> Patient has been adequately treated in accordance with CDC guidelines. <input type="checkbox"/> Patient does not require treatment.
12/14/10	Chlamydia	<input type="checkbox"/> Positive <input type="checkbox"/> Inconclusive <input type="checkbox"/> Pending <input checked="" type="checkbox"/> Negative <input type="checkbox"/> Not tested	<input type="checkbox"/> Patient has been adequately treated in accordance with CDC guidelines. <input type="checkbox"/> Patient does not require treatment.
12/14/10	Syphilis	<input type="checkbox"/> Sero-positive <input type="checkbox"/> Sero-fast <input type="checkbox"/> Inconclusive <input type="checkbox"/> Pending <input checked="" type="checkbox"/> Sero-negative <input type="checkbox"/> Biological false-positive <input type="checkbox"/> Not tested <small>*A sero-fast test result means that the test you had detected a previous infection. This does not require treatment. You are not infectious at this time.</small>	<input type="checkbox"/> Patient has completed treated in accordance with CDC guidelines. <input type="checkbox"/> Previously treated infection; no longer infectious. Does not require additional treatment. <input type="checkbox"/> Patient does not require treatment.
	Test	Result	
		HIV ID Number:	
	Acute HIV-1	<input type="checkbox"/> Detected <input checked="" type="checkbox"/> Not detected <input type="checkbox"/> Inconclusive <input type="checkbox"/> Not tested <input type="checkbox"/> Pending	
12/14/10	Rapid HIV-1/2 Antibody	<input type="checkbox"/> Reactive (preliminary positive) <input checked="" type="checkbox"/> Negative <input type="checkbox"/> Invalid <input type="checkbox"/> Not tested <input type="checkbox"/> Pending	
	EIA/Western Blot HIV Antibody	<input type="checkbox"/> Reactive (positive) <input checked="" type="checkbox"/> Negative <input type="checkbox"/> Inconclusive <input type="checkbox"/> Not tested <input type="checkbox"/> Pending	
	Other; please specify:		
	Other; please specify:		

Meaning of HIV Test Result:

- A detected result on the Acute HIV-1 test means that HIV virus was found in your blood.
- A not-detected result on the Acute HIV-1 test means that HIV virus was not found in your blood. This test will not detect HIV infection if you were exposed to HIV in the 10 days before your Acute HIV-1 test.
- An inconclusive result on the Acute HIV-1 test means that your test result could not be determined.
- A negative result on the HIV antibody test most likely means that you are not infected with HIV, but it may not show a recent infection. If you think you may have been exposed to HIV, you should take the test again 3 months after the last possible exposure. Individuals who are HIV-1 and/or HIV-2 infected and are currently receiving anti-viral medications to treat HIV infection – in particular highly active antiretroviral therapy (HAART) – may produce a negative result due to these medications while in fact they are HIV positive.
- A reactive (preliminary positive) test result suggests that antibodies to HIV may be present in the blood. A specimen will have to be sent to a reference laboratory for further testing before confirming HIV infection.
- A reactive (positive) test result from a Confirmatory HIV Antibody Test suggests that there is HIV antibody present in the blood.
- An invalid test result can be due to a problem running the test or an interfering substance in the specimen. A blood specimen using other testing technology will be submitted to a reference laboratory for analysis. You will have to return to the clinic to receive your test results.
- An inconclusive test result means that the HIV Antibody tests could not be interpreted, and HIV status cannot be determined from the sample provided. It is important to get a follow up test in 6 weeks.

Staff Signature: Candace Charles

Staff Title: PHARM

Any alterations to this document renders it invalid



Fort Greene, STD Clinic
295 Flatbush Ave. Ext., 2nd Floor

Date: 4/8/11

Name:

Date of:



202435-4

Shallow, Sean

Date of:

DOB: 02/08/1974

Date of Visit: 04/08/2011

Clinic: 008

49 Crown Street, 18H

Brooklyn, NY, 11225

Male Non-Hispanic

Black/Af Am

Date of Test	Test	Result	Treatment
/	Gonorrhea	<input type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Inconclusive <input type="checkbox"/> Not tested <input type="checkbox"/> Pending	<input type="checkbox"/> Patient has been adequately treated in accordance with CDC guidelines. <input type="checkbox"/> Patient does not require treatment.
/	Chlamydia	<input type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Inconclusive <input type="checkbox"/> Not tested <input type="checkbox"/> Pending	<input type="checkbox"/> Patient has been adequately treated in accordance with CDC guidelines. <input type="checkbox"/> Patient does not require treatment.
/	Syphilis	<input type="checkbox"/> Sero-positive <input type="checkbox"/> Sero-negative <input type="checkbox"/> Sero-fast <input type="checkbox"/> Biological false-positive <input type="checkbox"/> Inconclusive <input type="checkbox"/> Not tested <input type="checkbox"/> Pending <small>*A sero-fast test result means that the test you had detected a previous infection. This does not require treatment. You are not infectious at this time.</small>	<input type="checkbox"/> Patient has completed treated in accordance with CDC guidelines. <input type="checkbox"/> Previously treated infection; no longer infectious. Does not require additional treatment. <input type="checkbox"/> Patient does not require treatment.
	Test	Result	
		HIV ID Number:	
	Acute HIV-1	<input type="checkbox"/> Detected <input type="checkbox"/> Not detected <input type="checkbox"/> Inconclusive <input type="checkbox"/> Not tested <input type="checkbox"/> Pending	
4/8/11	Rapid HIV-1/2 Antibody	<input type="checkbox"/> Reactive (preliminary positive) <input checked="" type="checkbox"/> Negative <input type="checkbox"/> Invalid <input type="checkbox"/> Not tested <input type="checkbox"/> Pending	
	EIA/Western Blot HIV Antibody	<input type="checkbox"/> Reactive (positive) <input type="checkbox"/> Negative <input type="checkbox"/> Inconclusive <input type="checkbox"/> Not tested <input type="checkbox"/> Pending	
/	Other; please specify:	/	/
/	Other; please specify:	/	/

Meaning of HIV Test Result:

- A detected result on the Acute HIV-1 test means that HIV virus was found in your blood.
- A not-detected result on the Acute HIV-1 test means that HIV virus was not found in your blood. This test will not detect HIV infection if you were exposed to HIV in the 10 days before your Acute HIV-1 test.
- An inconclusive result on the Acute HIV-1 test means that your test result could not be determined.
- A negative result on the HIV antibody test most likely means that you are not infected with HIV, but it may not show a recent infection. If you think you may have been exposed to HIV, you should take the test again 3 months after the last possible exposure. Individuals who are HIV-1 and/or HIV-2 infected and are currently receiving anti-viral medications to treat HIV infection – in particular highly active antiretroviral therapy (HAART) – may produce a negative result due to these medications while in fact they are HIV positive.
- A reactive (preliminary positive) test result suggests that antibodies to HIV may be present in the blood. A specimen will have to be sent to a reference laboratory for further testing before confirming HIV infection.
- A reactive (positive) test result from a Confirmatory HIV Antibody Test suggests that there is HIV antibody present in the blood.
- An invalid test result can be due to a problem running the test or an interfering substance in the specimen. A blood specimen using other testing technology will be submitted to a reference laboratory for analysis. You will have to return to the clinic to receive your test results.
- An inconclusive test result means that the HIV Antibody tests could not be interpreted, and HIV status cannot be determined from the sample provided. It is important to get a follow up test in 6 weeks.

Staff Signature: 115nd BelgraveStaff Title: PIS

Any alterations to this document renders it invalid



Maricopa County Department of Public Health
Clinical Services Division and Laboratory
1645 E. Roosevelt, Phoenix, AZ 85006

SEAN SHALLOW -> Provider/Lead: Margaret Gunn

Patient #:	101309	Lab #:	
Patient:	SEAN SHALLOW	Age:	36 year(s) & 5 month(s)
Date of Birth:	02/08/1974	Race:	Black
Gender:	Male	Home Phone:	(602) 374-7772
Home Address:	9652 N 31TH AVE #G2 Phoenix, Arizona 85051	Order Time:	10:30
Order Date:	07/27/2010	Age:	
Provider/Lead:	Margaret Gunn	Location:	STD Clinic
Assigned To:	Margaret Gunn	Provider Signature:	
Provider Phone:			

Lab Type:	Immunology	Request Type:	
Test Type:	Syphilis RPR Reflex (Qualitative)	Specimen Type:	
Collection Date:	07/27/2010	Collection Time:	10:30
Collection Site:			
Reason for Test (1):			
Reason for Test (2):			

Results (simple):	Non-Reactive	Results (num/ratio):	
Results (complex):			

Created by Margaret Gunn on 07/27/2010 10:29:54

Last Modified by Alexandra Lopez on 07/27/2010 04:11:48

OFFICIAL COPY
MARICOPA COUNTY
DEPT OF PUBLIC HEALTH
SIGNATURE ON FILE

Margaret Gunn, APRN

July 29, 2010

A handwritten signature, likely of Margaret Gunn, written in black ink.



Maricopa County Department of Public Health
 Clinical Services Division and Laboratory
 1645 E. Roosevelt, Phoenix, AZ 85006

SEAN SHALLOW -> Provider/Lead: Margaret Gunn

Patient #:	101309	Lab #:	
Patient:	SEAN SHALLOW	Age:	36 year(s) & 5 month(s)
Date of Birth:	02/08/1974	Race:	Black
Gender:	Male	Home Phone:	(602) 374-7772
Home Address:	9652 N 31TH AVE #G2 Phoenix, Arizona 85051	Order Time:	10:30
Order Date:	07/27/2010	Age:	
Provider/Lead:	Margaret Gunn	Location:	STD Clinic
Assigned To:	Margaret Gunn	Provider Signature:	
Provider Phone:			
Lab Type:	Immunology	Request Type:	
Test Type:	HIV (EIA)	Specimen Type:	
Collection Date:	07/27/2010	Collection Time:	10:30
Collection Site:			
Reason for Test (1):			
Reason for Test (2):			

Results (simple): Non-Reactive

Results (num/ratio):

Results (complex):

Created by Margaret Gunn on 07/27/2010 10:30:25

Last Modified by Willie Mae Russell on 07/28/2010 02:04:19

OFFICIAL COPY
 MARICOPA COUNTY
 DEPT OF PUBLIC HEALTH
 SIGNATURE ON FILE

Margaret Gunn, APRN

July 29, 2010



Maricopa County Department of Public Health
Clinical Services Division and Laboratory
1645 E. Roosevelt, Phoenix, AZ 85006

SEAN SHALLOW -> Provider/Lead: Margaret Gunn

Patient #:	101309	Lab #:	
Patient:	SEAN SHALLOW	Age:	36 year(s) & 5 month(s)
Date of Birth:	02/08/1974	Race:	Black
Gender:	Male	Home Phone:	(602) 374-7772
Home Address:	9652 N 31TH AVE #G2 Phoenix, Arizona 85051	Order Time:	10:30
Order Date:	07/27/2010	Age:	
Provider/Lead:	Margaret Gunn	Location:	STD Clinic
Assigned To:	Margaret Gunn	Provider Signature:	
Provider Phone:			

Lab Type:	Other	Request Type:	
Test Type:	Urine Aptima Combo for GC and Chlamydia	Specimen Type:	
Collection Date:	07/27/2010	Collection Time:	10:30
Collection Site:			
Reason for Test (1):			
Reason for Test (2):			

Results (simple):	Chlamydia: Negative / Gonorrhea: Negative	Results (num/ratio):	
Results (complex):			

Created by Margaret Gunn on 07/27/2010 10:30:52
Last Modified by Lyce Hillings on 07/29/2010 01:33:38

OFFICIAL COPY
MARICOPA COUNTY
DEPT OF PUBLIC HEALTH
SIGNATURE ON FILE

Margaret Gunn, APRN

July 30, 2010 *[Signature]*



Maricopa County Department of Public Health
Clinical Services Division and Laboratory
1645 E. Roosevelt, Phoenix, AZ 85006

SEAN SHALLOW -> Provider/Lead: Margaret Gunn

Patient #:	101309	Lab #:	
Patient:	SEAN SHALLOW	Age:	36 year(s) & 5 month(s)
Date of Birth:	02/08/1974	Race:	Black
Gender:	Male	Home Phone:	(602) 374-7772
Home Address:	9652 N 31TH AVE #G2 Phoenix, Arizona 85051	Order Time:	10:30
Order Date:	07/27/2010	Age:	
Provider/Lead:	Margaret Gunn	Location:	STD Clinic
Assigned To:	Margaret Gunn	Provider Signature:	
Provider Phone:			

Lab Type:	Other	Request Type:	
Test Type:	Gonorrhea Culture Oral	Specimen Type:	
Collection Date:	07/27/2010	Collection Time:	10:30
Collection Site:			
Reason for Test (1):			
Reason for Test (2):			

Results (simple):	Negative	Results (num/ratio):	
Results (complex):			

Created by Margaret Gunn on 07/27/2010 10:30:41

Last Modified by Alexandra Lopez on 07/29/2010 10:23:32

OFFICIAL COPY
MARICOPA COUNTY
DEPT OF PUBLIC HEALTH
SIGNATURE ON FILE
Margaret Gunn, APRN BC
JUL 29 2010



Analytical Diagnostic Labs, Inc.

2115 Ave X Brooklyn NY 11235 (718) 646-6000, Fax: (718) 646-0820

Ordered By Analytical Diagnostic Labs 2115 Avenue X Brooklyn, New York 11235 Dr.	Patient Information		Requisition# 809290018
	Name: Shallow, Sean	Collection: 09/29/2008 07:00 AM	Received: 09/29/08
	Lab Code: 63184	Birthdate: 02/08/1974	Reported: 10/05/08
	Sex: Male Room#: employee Chart#:	Complete Report	

**** This Report Contains Critical Values ****

Tumor Markers

Test	Within Range	Out of Range	Ref Range	Units	Range
Total Prostate Specific Antigen	1.1		0.8 - 4.1	ng/mL	..[*.....]..
:Please note change of reference range for this test. PSA testing is not recommended as a screening Procedure in the general population nor as a guide in disease staging; However it is widely accepted as an adjunctive test in the management of prostate cancer patients. Kit manufactured by Roche diagnostics(Electro Chemiluminescent Method). Results must not be compared to any other kits.					

Serology

Test	Within Range	Out of Range	Ref Range	Units	Range
Rapid Plasma Reagin	Non-Reactive		Non-Reactive - 1:256 Negative		..[*.....]..
HETEROPHILE	Negative		Negative		..[*.....]..
HA IgM Specific	Negative		Negative		..[.....]..
Test Comments:This test was performed at Methodist Hospital 506 Sixth Street Brooklyn New York 11215.					
Hepatitis B Surface Antibody		Positive H	Negative		..[.....]*.
Test Comments:This test was performed at Methodist Hospital 506 Sixth Street Brooklyn New York 11215.					
Hepatitis B Core Antibody	Negative		Negative		..[.....]..
Test Comments:This test was performed at Methodist Hospital 506 Sixth Street Brooklyn New York 11215.					
Hepatitis B Surface Ag	Negative		Negative		..[.....]..
Test Comments:This test was performed at Methodist Hospital 506 Sixth Street Brooklyn New York 11215.					



Fort Greene Health Center
295 Flatbush Avenue Ext
Brooklyn, NY 11201
(718) 643-8351

THE CITY OF NEW YORK
DEPARTMENT OF HEALTH
AND MENTAL HYGIENE

Date: March 04, 2008

To Whom It May Concern:

SEAN SHALLOW, D.O.B. 02/08/1974, was in attendance at this center on 2-20-08. The following are our dispositions of patient's conditions:

- ☐ a. Patient has been adequately treated in accordance with the recommended schedules and is being followed by this center.
- ☐ b. Patient exhibits a BFP (Biological False Positive) of _____ with the specific confirmatory MHATP/FTA test being non-reactive. Patient is not infectious with syphilis.
- ☐ c. Patient has seropositive RPR because of previously treated infection and is no longer in an infectious state.

U d. Other: GC, Ch - Negative, RPR - N/R.

Rapid HIV Antibody Test Result

HIV ID# _____

☐ Non-Reactive (Negative) ☐ Reactive (Preliminary Positive) ☐ Invalid

If Preliminary Positive, Date of Return for CDConfirmatory Test Result:

Is Follow-up Testing Indicated for Negative Result? ☐ No ☐ Yes, Date: _____

EIA/Western Blot HIV Antibody Test Result

HIV ID# _____ Results Recorded: _____

☐ Non-Reactive (Negative) ☐ Reactive (Positive) ☐ Inconclusive

MEANING OF HIV Test Result

A negative result on the HIV antibody test most likely means that you are not infected with HIV, but it may not show a recent infection. If you think you may have been exposed to HIV, you should take the test again 3 months after the last possible exposure. Individuals who are HIV-1 and/or HIV-2 infected and are currently receiving anti-viral medications to treat HIV infection - in particular highly active antiretroviral therapy (HAART) - may produce a negative result due to these medications while in fact they are HIV positive.

A reactive (preliminary positive) test result suggests that antibodies to HIV may be present in the blood. A specimen will have to be sent to a reference laboratory for further testing before confirming HIV infection.

A reactive (positive) test result from a Confirmatory HIV Antibody Test suggests that there is HIV antibody present in the blood.

An invalid test result can be due to a problem running the test or an interfering substance in the specimen. A blood specimen using other testing technology will be submitted to a reference laboratory for analysis. You will have to return to the clinic to receive your test results.

An inconclusive test result means that the HIV Antibody tests could not be interpreted, and HIV status cannot be determined from the sample provided. It is important to get a follow up test in 6 weeks.

Staff Signature: _____

Staff Title: _____

Any alterations to this document renders it invalid.

THE CITY OF NEW YORK
DEPARTMENT OF HEALTH
AND MENTAL HYGIENEFort Greene Health Center
295 Flatbush Avenue Ext
Brooklyn, NY 11201
(718) 643-8351

Date: February 20, 2008

To Whom It May Concern:

JAN SPALLO, D.O.B. 02/08/1974, was in attendance at this center on 2/20/2008. The following are our dispositions of patient's conditions:

- a. Patient has been adequately treated in accordance with the recommended schedules and is being followed by this center.
- b. Patient exhibits a BFP (Biological False Positive) of _____ with the specific confirmatory MHATP/FTA test being non-reactive. Patient is not infectious with syphilis.
- c. Patient has seropositive RPR because of previously treated infection and is no longer in an infectious state.
- d. Other: _____

Rapid HIV Antibody Test Result

HIV ID# _____

☒ Non-Reactive (Negative)☐ Reactive (Preliminary Positive)☐ Invalid

If Preliminary Positive, Date of Return for Confirmatory Test Result: _____

Is Follow-up Testing Indicated for Negative Result?

☐ No☐ Yes,

Date: _____

EIA/Western Blot HIV Antibody Test Result

HIV ID# _____

Results Recorded: _____

☒ Non-Reactive (Negative)☐ Reactive (Positive)☐ Inconclusive

Meaning of HIV Test Result

A negative result on the HIV antibody test most likely means that you are not infected with HIV, but it may not show a recent infection. If you think you may have been exposed to HIV, you should take the test again 3 months after the last possible exposure. Individuals who are HIV-1 and/or HIV-2 infected and are currently receiving anti-viral medications to treat HIV infection - in particular highly active antiretroviral therapy (HAART) - may produce a negative result due to these medications while in fact they are HIV positive.

A reactive (preliminary positive) test result suggests that antibodies to HIV may be present in the blood. A specimen will have to be sent to a reference laboratory for further testing before confirming HIV infection.

A reactive (positive) test result from a Confirmatory HIV Antibody Test suggests that there is HIV antibody present in the blood.

An invalid test result can be due to a problem running the test or an interfering substance in the specimen. A blood specimen using other testing technology will be submitted to a reference laboratory for analysis. You will have to return to the clinic to receive your test results.

An inconclusive test result means that the HIV Antibody tests could not be interpreted, and HIV status cannot be determined from the sample provided. It is important to get a follow up test in 6 weeks.

Staff Signature: _____

Staff Title: _____

Any alterations to this document renders it invalid.

KIRSTEN E. GILLIBRAND

NEW YORK

SENATOR

SUITE 2601
780 THIRD AVENUE
NEW YORK, NY 10017
212-688-6262

COMMITTEES:
ENVIRONMENT AND PUBLIC WORKS
FOREIGN RELATIONS
AGRICULTURE
SPECIAL COMMITTEE ON AGING

United States Senate

WASHINGTON, DC 20510-3205

September 23, 2010

Mr. Sean Shallow
9652 North 31st Avenue, # G2
Phoenix, Arizona 85051

Dear Mr. Shallow,

I have received your recent request for assistance in a matter of concern to you. Although I would very much like to help, the matter you discuss involves another state.

In keeping with long-standing tradition, Congressional courtesy requires that each member of Congress be given the opportunity to directly serve the constituents that he or she represents. Therefore, I am returning your correspondence to you with this letter.

I understand the importance that this matter has for you. Should you wish to contact the members of the United States Senate who represent your state, I am including the following information:

Jon Kyl
United States Senate
730 Hart Senate Office Building
Washington, D.C. 20510
(202) 224-4521

John McCain
United States Senate
241 Russell Senate Office Building
Washington, D.C. 20510
(202) 224-2235

It is my hope that your matter can be resolved to your satisfaction as soon as possible.

Sincerely,



Kirsten E. Gillibrand
United States Senator

Enclosure
KEG/lht_afh



DEPARTMENT OF HEALTH & HUMAN SERVICES

Voice - (212) 264-3313, (800) 368-1019
TDD - (212) 264-2355, (800) 537-7697
(FAX) - (212) 264-3039
<http://www.hhs.gov/ocr/>

OFFICE OF THE SECRETARY

Office for Civil Rights, Region II
Jacob Javits Federal Building
26 Federal Plaza, Suite 3312
New York, NY 10278

August 31, 2009

Mr. Sean Shallow
482 Gates Avenue
Apartment 1A
Brooklyn, NY 11216

Our Transaction number: 09-102188

Dear Mr. Shallow:

Thank you for your correspondence received on August 31, 2009 by the Department of Health and Human Services, Office for Civil Rights (OCR).

OCR is responsible for enforcing a variety of Federal civil rights laws that prohibit discrimination and for protection of the privacy of medical records. Specifically, OCR has jurisdiction over programs and entities that receive Federal financial assistance from HHS in cases involving discrimination based on race, color, national origin, age, disability and under certain circumstances, sex and religion. Additionally, OCR has jurisdiction over health and human service programs operated by HHS or by state and local public entities in cases involving disability-based discrimination. OCR also has jurisdiction over health plans, health clearinghouses and certain health care providers with respect to enforcement of the Federal standards for privacy of individually identifiable health information (The Privacy Rule, @ 45 C.F.R. Part 160 and 164, Subparts A and E).

We are in the process of reviewing your correspondence to decide whether OCR has authority and is able to take action with respect to the matters you have raised. We will complete our initial review as quickly as possible.

However, in order to proceed with your complaint a signed consent form is required by you. Therefore, we have enclosed a consent form for you to sign and return to our office **within twenty (20) days** upon receipt of this letter. Please return the form by doing one of following: 1) mail it to the address provided above or 2) fax it to (212) 264-3039 or 3) e-mail it to reg2.ocrmail@hhs.gov. If you have any questions, please contact us at (212) 264-3313.

Under the Freedom of Information Act, we may be required to release this letter and other information about this case upon request by the public. In the event OCR receives such a request, we will make every effort, as permitted by law, to protect information that identifies individuals or that, if released, could constitute a clearly unwarranted invasion of personal privacy.

Sincerely,

Ms. Taveras, for

Michael R. Carter
Regional Manager

Enclosure(s): Consent Form Packet

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE FOR CIVIL RIGHTS, REGION II
26 FEDERAL PLAZA - ROOM 3312
NEW YORK, NEW YORK 10278

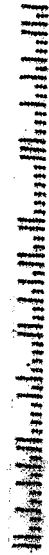
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

Mr. Sean Shallow
9652 North 31st Avenue, Apt. G2
Phoenix, Arizona 85051



115

85051-2631



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE FOR CIVIL RIGHTS, REGION II
26 FEDERAL PLAZA - ROOM 3312
NEW YORK, NEW YORK 10278

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300



Ms. Sean Shallow
9652 N. 31st Avenue, Apt. # ~~0002~~
Phoenix, AZ 85051
g-2

115

85051-2631





DEPARTMENT OF HEALTH & HUMAN SERVICES

Voice - (212) 264-3313, (800) 368-1019
TDD - (212) 264-2355, (800) 537-7697
(FAX) - (212) 264-3039
<http://www.hhs.gov/ocr/>

OFFICE OF THE SECRETARY

Office for Civil Rights, Region II
Jacobe Javits Federal Building
26 Federal Plaza, Suite 3312
New York, NY 10278

JUN - 4 2010

Mr. Sean Shallow
9652 North 31st Avenue
Phoenix, Arizona 85051

Our reference number: 09-102188 & 10-112159

Dear Mr. Shallow:

Thank you for your complaint, which was received by the U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR), on August 31, 2009. In your complaint, you allege a violation of the Federal Standards for Privacy of Individually Identifiable Health Information (45 C.F.R. Parts 160 and 164, Subparts A, C and E, of the Privacy and Security Rules). Specifically, you allege that both Dr. Gil Weitzman (the Doctor) and Sunrise Medical Laboratories (Sunrise) disclosed your medical information to your former employer Enzo Clinical Laboratory (Enzo) without your consent.

OCR enforces civil rights laws which prohibit discrimination in the delivery of health and human services because of race, color, national origin, disability and age. OCR also enforces the Privacy and Security Rules.

After careful consideration, OCR has determined that it will pursue action against the Doctor and Sunrise with respect to the impermissible disclosure of your medical information without your consent.

If you have any questions about this letter or the investigation process please contact Frank J. Musumici, the investigator assigned to your complaint, at (212) 264-4995 or (800) 368-1019.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael R. Carter", is written over a horizontal line.

Michael R. Carter
Regional Manager



DEPARTMENT OF HEALTH & HUMAN SERVICES

Voice - (212) 264-3313, (800) 368-1019
TDD - (212) 264-2355, (800) 537-7697
(FAX) - (212) 264-3039
<http://www.hhs.gov/ocr/>

OFFICE OF THE SECRETARY

Office for Civil Rights, Region II
Jacob Javits Federal Building
26 Federal Plaza, Suite 3312
New York, NY 10278

AUG 31 2010

Mr. Sean Shallow
9652 North 31st Avenue
Apartment G2
Phoenix, Arizona 85051

Gil Weitzman, M.D.
72nd Street Medical Associates
310 East 72nd Street
C-Level
New York, New York 10021

Our reference number: 09-102188

Dear Mr. Shallow & Dr. Weitzman:

On August 31, 2009, the U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR), received a complaint from Mr. Sean Shallow (the complainant) alleging a violation of the Federal Standards for Privacy of Individually Identifiable Health Information (45 C.F.R. Parts 160 and 164, Subparts A, C and E, of the Privacy and Security Rules). Specifically, the complainant alleged that Dr. Gil Weitzman (the covered entity) disclosed his medical information to his former employer Enzo Clinical Laboratory (Enzo) without his consent. This allegation could reflect violations of 45 C.F.R. §164.502(a), §164.530(c)(1)(2)(i), §164.508(c), §164.512 and §164.514(d)(1),(3).

OCR enforces the Privacy and Security Rules, and also enforces Federal civil rights laws which prohibit discrimination in the delivery of health and human services because of race, color, national origin, disability, age, and under certain circumstances, sex and religion.

On June 4, 2010, OCR notified the covered entity of the complaint.

We have reviewed the matter raised in the complaint. We have spoken with and received written correspondence from both the complainant and the covered entity.

OCR's investigation revealed that the complainant was an employee of the covered entity prior to the filing of this complaint. During the complainant's employ at the CE, specific medical tests were conducted. OCR learned that subsequent to his employment at the CE, the complainant was employed at Enzo. OCR was informed by the complainant that during the time he was employed by Enzo, the CE disclosed his medical information to supervisors and a co-worker at Enzo. The complainant stated that the medical information that was allegedly disclosed was the results of a blood test he took while employed at the CE.

Page 2- Mr. Sean Shallow & Dr. Gil Weitzman

The CE informed OCR that it did not disclose the complainant's medical information to anyone at Enzo and asserted that he does not conduct business with Enzo and/or have contact with any of their staff. OCR conducted interviews with Enzo staff identified by the complainant as having information regarding this matter to determine whether there was a disclosure of the complainant's medical information by the CE. Enzo staff interviewed denied having any knowledge of the complainant's medical information.

Accordingly, based on our review of the facts and circumstances of this matter, we have determined that there is insufficient evidence to substantiate the claim that the covered entity violated the Privacy Rule. Therefore, OCR is closing this matter.

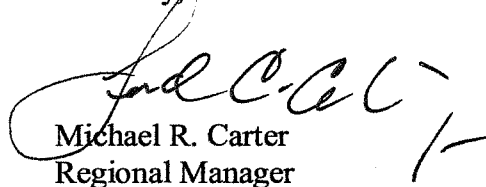
Additionally, the covered entity provided OCR with copies of its policies and procedures on uses and disclosures and safeguards of protected health information.

OCR's determination as stated in this letter applies only to the allegations in this complaint that were reviewed by OCR.

Under the Freedom of Information Act, we may be required to release this letter and other information about this case upon request by the public. In the event OCR receives such a request, we will make every effort, as permitted by law, to protect information that identifies individuals or that, if released, could constitute a clearly unwarranted invasion of personal privacy.

If you have any questions, please contact Frank J. Musumici, Investigator, at (212) 264-4995.

Sincerely,



Michael R. Carter
Regional Manager

